

Appln No. 10/747,774
Amdt date February 15, 2008
Reply to Office action of November 15, 2007

REMARKS/ARGUMENTS

In the Office action dated November 15, 2007, the Examiner rejected claims 1, 2, 10 and 11-13 under 35 U.S.C. §102(e) as allegedly anticipated by Tu, et al. (U.S. Patent No. 5,971,968). Applicant has amended independent claims 1, 3, 7 and 17 to recite a probe body that is generally rigid to resist bending during use. Tu fails to teach or suggest such a feature. Although the examiner asserts that Tu discloses a generally rigid probe body at column 5, lines 8-15, this passage only notes that the shaft material is selected to provide increased torsional rigidity and does not discuss the use of a probe body that is generally rigid to resist bending during use, as recited in amended independent claims 1, 3, 7 and 17. Rather, Tu discloses a catheter probe that is deflectable and maneuverable through the vasculature of the heart. See column 4, lines 53-59, column 6, lines 23-33, and column 7, lines 39-61 (describing the steering mechanism used to cause the catheter probe to bend and deflect as it is maneuvered through the heart vasculature). As the Tu catheter probe necessarily bends during use to navigate through the heart vasculature, it is not generally rigid to resist bending during use, as recited in independent claims 1, 3, 7 and 17. Accordingly, independent claims 1, 3, 7 and 17, and all claims dependent therefrom, including claims 2, 10 and 11-13, are allowable over Tu.


The Examiner also rejected claims 3-9 and 14-17 under 35 U.S.C. §103(a) as allegedly obvious over Tu in view of one or more of Alt (U.S. Patent No. 5,411,527), Serman, et al. (U.S. Patent No. 5,682,906) and Lucas, et al. (U.S. Patent No. 5,795,332). However, independent claims 1, 3, 7 and 17 are allowable over Tu as discussed above. None of Alt, Serman and Lucas remedy the deficiencies of Tu, as none of these references teach or suggest a probe body that is generally rigid to resist bending during use, as recited in independent claims 1, 3, 7 and 17. Accordingly, independent claims 1, 3, 7 and 17, and all claims dependent therefrom, including claims 4-6, 8, 9 and 14-16, are allowable over Tu, Alt, Serman and Lucas.

Claims 1-17 remain pending in this application. By this amendment, Applicant has amended claims 1, 3, 7 and 17 to place the claims in condition for allowance. The amendments find full support in the original specification, claims and drawings, for example, at page 2, lines

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1-11. No new matter is presented. In view of the above amendments and remarks, Applicant submits that all of pending claims 1-17 are in condition for allowance. Applicant therefore respectfully requests a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,
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